

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

GABRIEL D. MCCLAIN

CIVIL ACTION NO. 19-36-P

VERSUS

CHIEF JUDGE HICKS

ADRIAN MALONE, ET AL.

MAGISTRATE JUDGE HORNSBY

JUDGMENT

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent review of the record, and noting the lack of written objections filed by Plaintiff and determining that the findings are correct under the applicable law;

IT IS ORDERED THAT this action—insofar as it seeks monetary relief for civil rights claims—be **STAYED** under the following conditions:

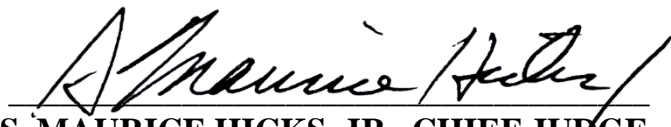
a. If Plaintiff intends to proceed with his claims, within thirty (30) days of the date the criminal proceedings against him have concluded, he must file a motion asking the court to lift the stay;

b. If the stay is lifted and the court finds Plaintiff's claims would impugn the validity of his conviction, the action will be dismissed under Heck; if no such finding is made, the action will proceed at that time, absent some other bar to suit; and,

c. In light of the stay, Plaintiff **SHALL NOT** file any additional documents in this action until the state court proceedings have concluded; and,

IT IS FURTHER ORDERED THAT this action—insofar as it seeks the dismissal of the pending criminal charges and his release from detention—be **DISMISSED** for failing to state a claim for which relief may be granted pursuant to Section 1983.

THUS DONE AND SIGNED, in chambers, in Shreveport, Louisiana, on this 7th day of August, 2020.


S. MAURICE HICKS, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT